



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

June 15, 2015

Mr. Steve Wilkerson  
American Colloid Company  
P.O. Box 428  
Lovell, WY 82431

CERTIFIED MAIL

Re: Notice of Violation  
Docket #5590-15

Dear Mr. Wilkerson:

Enclosed you will find a Notice of Violation (NOV) issued to American Colloid Company by the Department of Environmental Quality, Air Quality Division, for the failure to comply with permitted NOx and CO limits from the Fluid Bed Dryer Dust Collector, in violation of condition 6 of waiver wv-13266 at the Lovell Plant located in Big Horn County, Wyoming.

As the Department and this Division consider the failure to comply with permit requirements to be a serious matter, I am recommending that the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties.

If you would like to discuss settlement of this issue prior to action on the referral by the Attorney General's office, please contact Ms. Ann Shed, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Ms. Ann Shed.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Fred DiLella  
Ann Shed  
Greg Meeker  
Elizabeth Lyon  
Landon Brown



**BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

<b>IN THE MATTER OF THE NOTICE OF VIOLATION</b>	)	
<b>ISSUED TO AMERICAN COLLOID COMPANY</b>	)	<b>DOCKET NO. 5590-15</b>
<b>MR. STEVE WILKERSON</b>	)	
<b>PLANT MANAGER</b>	)	
<b>PO BOX 428</b>	)	
<b>LOVELL, WY 82431</b>	)	

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found American Colloid Company to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations at the Lovell Plant located in Big Horn County, Wyoming.

2. W.S. 35-11-201 of the Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council."

3. Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedure for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Waiver wv-13266, was issued to American Colloid Company on June 25, 2012. Condition 6 of this waiver limits the gaseous emission rates for the Fluid Bed Dryer. Condition 6 states:

The Fluid Bed Dryer Dust Collector shall be limited as follows:

Pollutant	lb/MMBtu	lb/hr	tpy
NO <sub>x</sub>	0.13	0.5	2.2
CO	0.24	1.0	4.4

5. On October 9, 2013, the Division issued a letter to American Colloid Company authorizing a modification of the Novinda Process Line by replacing the extruder. The letter requires that stack testing be conducted within ninety (90) days of start-up after the extruder is replaced and in accordance with methods specified in waiver wv-13266.

6. On December 16, 2014, emission testing was performed, in accordance with methods specified in Waiver wv-13266, for the Fluid Bed Dryer Dust Collector located at the Lovell Plant. On February 2, 2015, the Division received test results indicating that the unit had passed the emission tests. Upon review by the Division, further information was requested and it was determined that the calculations were in error. On February 23, 2015, the Division received revised test results demonstrating that the unit was out of compliance for the lb/MMBtu limit for both NO<sub>x</sub> and CO. Test results for NO<sub>x</sub> were 0.23 lb/MMBtu, exceeding the permit limit of 0.13 lb/MMBtu and the test results for CO were 0.44 lb/MMBtu exceeding the permit limit of 0.24 lb/MMBtu. Permit limits in lbs/hr and tpy were met during the testing of this unit.



7. Said violations consist of exceeding lb/MMBtu permitted limits for NO<sub>x</sub> and CO from the Fluid Bed Dryer Dust Collector in violation of Condition 6 of Waiver wv-13266.

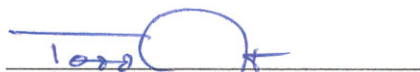
8. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

9. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 16<sup>th</sup> day of JUNE, 2015.



Steven A. Dietrich  
Administrator  
Air Quality Division



Todd Parfitt  
Director  
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)